

UNIVERSAL CASE OPINION COVER SHEET
U.S. District Court for the Central District of Illinois
Springfield Division

Complete TITLE of Case	MARGARET J. COLLINS, Plaintiff, v. STATE OF ILLINOIS, ILLINOIS SECRETARY OF STATE AND STATE LIBRARIAN, JESSE WHITE, ILLINOIS STATE LIBRARY, JEAN WILKINS, Director of Illinois State Library, Individually and Professionally, KATHLEEN BLOOMBERG, Associate Director of Illinois State Library, Individually and Professionally, ILLINOIS FEDERATION OF TEACHERS, JEAN REEDER, and GARY LEACH, Defendants.
Type of Document Docket Number Court Opinion Filed	Opinion No. 03-3159 UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF ILLINOIS Date: April 8, 2004
JUDGE	Honorable Richard Mills U.S. District Judge 117 U.S. Courthouse Springfield, IL 62701 (217)492-4340
ATTORNEY For Plaintiff	Margaret J. Collins, Pro Se 1306 Denison, Apt. A Springfield, IL 62704

<p>ATTORNEYS</p> <p>For Defendants</p>	<p>Deborah L. Barnes William E. Jarvis</p> <p>Mary Lee Leahy</p>	<p>Office of Attorney General of Illinois 500 S. 2nd Street Springfield, IL 62706</p> <p>Leahy Law Offices 308 E. Canedy Springfield, IL 62703</p>

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION

MARGARET J. COLLINS,)	
)	
Plaintiff,)	
)	
vs.)	No. 03-3159
)	
STATE OF ILLINOIS, ILLINOIS)	
SECRETARY OF STATE AND STATE)	
LIBRARIAN, JESSE WHITE, ILLINOIS)	
STATE LIBRARY, JEAN WILKINS,)	
Director of Illinois State Library,)	
Individually and Professionally,)	
KATHLEEN BLOOMBERG, Associate)	
Director of Illinois State Library,)	
Individually and Professionally, ILLINOIS)	
FEDERATION OF TEACHERS, JEAN)	
REEDER, and GARY LEACH,)	
)	
Defendants.)	

OPINION

RICHARD MILLS, U.S. District Judge:

The Plaintiff has filed no less than three civil actions with this Court in the previous five years.

Because the allegations in the Plaintiff's most recent complaint in this

case are very similar to those in her previous actions--cases which are currently on appeal to the Seventh Circuit--this Court does not have jurisdiction to entertain the Plaintiff's claims.

This case must be DISMISSED.

I. PENDING MOTIONS

In the complaint in this case, the Plaintiff has purported to allege claims pursuant to 42 U.S.C. §§ 2000e et seq. (Title VII), 42 U.S.C. § 1981, and 29 U.S.C. §§ 151 et seq. Pending before the Court are the following motions:

(1) Motion to dismiss and motion to hold in abeyance by Defendants Illinois Federation of Teachers, Jean Reeder and Gary Leach;

(2) Motion for sanctions by Defendants State of Illinois; Illinois State Library; Illinois Secretary of State, Jesse White; Jean Wilkins and Kathleen Bloomberg;

(3) Motion to dismiss by Defendants State of Illinois; Illinois State Library; Illinois Secretary of State, Jesse White; Jean Wilkins and Kathleen Bloomberg;

(4) Motion for an injunction by the Plaintiff against the Illinois State Library and Illinois Secretary of State;

(5) Motion for a hearing by the Plaintiff on her motion for an injunction;

(6) Second motion for an injunction by the Plaintiff against the Illinois State Library and Illinois Secretary of State;

(7) Motion to dismiss the Plaintiff's amended complaint by Defendants State of Illinois; Illinois State Library; Illinois Secretary of State, Jesse White; Jean Wilkins and Kathleen Bloomberg;

(8) Motion to dismiss by Defendants Illinois Federation of Teachers, Jean Reeder and Gary Leach; and

(9) Motion to dismiss the Plaintiff's amended complaint by Defendants Illinois Federation of Teachers, Jean Reeder, and Gary Leach.

II. BACKGROUND

A. Plaintiff's First Civil Action

The Plaintiff, who is proceeding pro se, has filed several actions with

this Court in recent years. One such case was filed on June 21, 1999,¹ against Defendants Bridget L. Lamont, Tina Prose, and Gregory McCormick.² See Collins v. Lamont et al., No. 01-1150 (C.D. Ill. 2001). In an Order dated September 3, 2002, United States District Judge Michael M. Mihm entered summary judgment against the Plaintiff on all of her claims.

B. Plaintiff's Second Civil Action

On February 22, 2002, while the previously filed case was still pending, the Plaintiff filed an action in this Court against Defendants Illinois Secretary of State, Illinois State Library, Jean Wilkins, Gregory McCormick, Mike Ragan, Patricia Norris,³ Tina Prose, and the Illinois

¹That case was filed in this Court's Springfield Division on that date. On March 29, 2001, the case was transferred to this Court's Peoria Division.

²At the time, Ms. Lamont was the Director of the Illinois State Library; Ms. Prose was Director of Personnel for the Office of Secretary of State; Mr. McCormick was the Assistant Director of the Illinois State Library.

³It appears from the record that Ms. Norris may have replaced Ms. Lamont as Director of the Illinois State Library.

Federation of Public Employees. See Collins v. Illinois Secretary of State et al., No. 02-3054 (C.D. Ill. 2002). In an Order dated November 1, 2002, the undersigned allowed those Defendants' motion to dismiss on the basis that the Plaintiff's claims were barred by the doctrines of res judicata and collateral estoppel.⁴

C. Plaintiff's Pending Civil Action

The case sub judice was filed on June 30, 2003. In her amended complaint, the Plaintiff alleges the following:

- She is a black female who has been employed by the Illinois State Library since 1976.
- Defendant Kathleen Bloomberg is currently the Associate Director of Library Operations and is the Plaintiff's immediate supervisor in that unit of the Illinois State Library.
- Defendant Jean Wilkins is the Director of the Illinois State Library.

⁴It is likely no coincidence that the Plaintiff filed her Equal Employment Opportunity Commission charge for this case in November 2003—the same month that the Court allowed the Defendants' motion to dismiss and denied the Plaintiff's motion to reconsider.

- ! Although Ms. Wilkins has never supervised the Plaintiff, she was once a co-worker in the Library Development Group of the Illinois State Library.
- ! Ms. Wilkins authorized her 1999 suspension, her 2000 written warning, her 2002 written warning and her December 2003 suspension.
- ! Moreover, Ms. Wilkins transferred the Plaintiff in 2003 without giving her a copy of the grievance letter.
- ! The Plaintiff alleges generally that Ms. Wilkins has not provided her with documentation showing that she was disciplined.

The Plaintiff next alleges that the duties assigned to and performed by her are not similar to the job description and duties performed by a Library Program Specialist. Additionally, the Plaintiff alleges:

- ! She is the only Library Program Specialist in Library Operations.
- ! The work performed by similarly situated whites is substantially similar to that of other Library Program Specialists.
- ! On March 1, 2003, her position of Library Program Specialist was

transferred from the Library Development Group to Library Operations.

- She was placed under the direction of a manager who was not experienced in the specific job that she was performing.
- No white Library Program Specialist who was similarly situated to her was placed under the supervision of that manager.
- The Plaintiff also alleges that, since her transfer, she has had many of her normal responsibilities and tasks taken away and has been assigned certain clerical tasks, such as shelving books and filing.
- Moreover, she has not been allowed to attend meetings of the Illinois System Presidents and Directors and Illinois State Library Advisory Committee.
- The Plaintiff further alleges: (1) she was not given overtime that she reported; (2) she was not allowed to use the overtime she earned in the manner she would like; (3) she was placed on proof status for four work injuries she suffered in 2002; and (4) she returned to proof status on December 9, 2003, and was not given a fair evaluation.

The Plaintiff next alleges that she believes she has been denied certain employment opportunities. Specifically, the Plaintiff alleges:

- She has been denied equal job and promotional opportunities and equal pay for doing the same work as higher classified whites.
- She has been given work assignments and job classifications which are lower than similarly positioned and situated white employees on the basis of her race.
- Moreover, she has been discriminated against in that: (1) her travel has been curtailed; (2) she has not been allowed to perform all the duties of her job description; (3) she has been more severely punished for expressing an opinion; (4) she has been subject to reprimands after missing lunch or asking to take a late lunch; (5) she has been subject to an unfair evaluation and more rigorous reporting; (6) she has had the use of technical staff curtailed while similarly situated whites have not been similarly treated; and (7) she is currently assigned to oversee the work of a black support worker, but not given supervision recognition.

The Plaintiff next asserts that she has been punished for reporting discrimination. Specifically, the Plaintiff alleges:

- The Defendant punished her by giving her an annual evaluation of 1.67 in retaliation for filing her EEOC charge against the Illinois State Library in November 2002 and the complaint in this case in June 2003.⁵
- She was suspended for the third time since 1997 on December 15, 2003; the suspension was served December 16-18.
- She was suspended for her evaluation comments, her e-mail messages to Ms. Bloomberg, and disagreeing with Ms. Bloomberg in a staff meeting on or about October 9, 2003.
- The suspension occurred almost six months after the initial complaint was filed in this case.

The Plaintiff has also asserted claims against the following Defendants: the Illinois Federation of Teachers (“IFT”), Jean Reeder, and Gary Leach.

The Plaintiff further alleges:

⁵The Plaintiff states that the right to sue letter is dated March 30, 2003.

- ! The Illinois Federation of Teachers (“IFT”) is a union that represents the Illinois Federation of Public Employees #4408 (“IFPE”), and the Plaintiff is a member of the IFPE Union.
- ! Ms. Reeder is a field representative for the IFT.
- ! Ms. Reeder refused to file a grievance against the Illinois Secretary of State for violating the IFT contract.
- ! Moreover, Ms. Reeder colluded with the Illinois Secretary of State and white IFPE Union members from the Library Development Group to file a grievance to have the Plaintiff removed from the Library Development Group.
- ! Ms. Reeder, in collusion with the Illinois State Library and Illinois Secretary of State, failed to provide the Plaintiff with a copy of her grievance.
- ! Ms. Reeder acted against a union member and did not provide her with representation.
- ! Ms. Reeder did not allow the Plaintiff to respond to the grievance filed against her with the Illinois State Library.

- ! Moreover, Ms. Reeder represented similarly situated white union members against the Plaintiff.
- ! Ms. Reeder blocked the Plaintiff from appealing to the executive committee of the IFPE.
- ! Additionally, she refused to represent the Plaintiff against the Illinois State Library regarding compensatory time from the March 15-21, 2003, trip to Arlington, Virginia.

The Plaintiff makes the following allegations as to Defendant Gary Leach:

- ! Mr. Leach is Director of the IFT.
- ! Mr. Leach lied to the EEOC in 2000 in regard to pursuing arbitration of the Plaintiff's October 1999 suspension.
- ! In retaliation for the Plaintiff's April 2000 EEOC complaint, moreover, Mr. Leach refused to arbitrate her September 2000 written warning, thereby sanctioning unfair labor practices by the Illinois State Library and Illinois Secretary of State.
- ! Mr. Leach also refused to allow the Plaintiff to appear before the

executive committee of the IFT in 2002.

- ! Finally, Ms. Reeder and Mr. Leach continue to provide unfair and under-representation of the Plaintiff in violation of the IFT and Secretary of State's non-discrimination clause, the National Labor Relations Act, the Civil Rights Act and Title VII.

III. ANALYSIS

In Count I of her amended complaint, the Plaintiff alleges that she has been discriminated against by the IFT on the basis of her race and retaliated against pursuant to Title VII.

In Count II, she asserts that she has suffered emotional distress, lost wages, embarrassment, humiliation, degradation, and loss of esteem as a result of the Defendants' intentional and willful actions.

In Count III, she contends that the actions of the Defendants as alleged were in retaliation for her filing a discrimination charge.

A review of the Plaintiff's complaint and amended complaint reveals that the case sub judice is basically the same case as the two most recent

cases she has filed in this Court.⁶ While some of the Defendants have changed and some new allegations have been added,⁷ the Plaintiff's general factual allegations are very similar to those she has asserted in the previous lawsuits. As the Court earlier noted, the Plaintiff's most recent EEOC charge was filed the same month that her second case was dismissed.

The Court has reviewed the docket, and notices of appeal have been filed in the two previous cases. Those cases are currently pending on appeal before the United States Court of Appeals for the Seventh Circuit. The filing of a notice of appeal divests a district court of jurisdiction and shifts control over the issues on appeal to the court of appeals. Brenner v.

⁶In fact, in her original complaint, the Plaintiff even alleges that she filed the present lawsuit in 2002. Judge Mihm granted summary judgment to the Defendants in the Plaintiff's 2002 action. This action was filed in 2003.

⁷For example, in her amended complaint, the Plaintiff references allegations which purportedly occurred after April 3, 2003—the date on which she received her right to sue letter from the EEOC. These allegations pertain to, inter alia, the Plaintiff's December 2003 suspension. The Plaintiff has not alleged that she has received a right to sue letter from the EEOC as to any allegations occurring after April 3, 2003.

Commodity Futures Trading Commission, 338 F.3d 713, 722 (7th Cir. 2003). Pursuant to this rule, a district court retains jurisdiction to act only if the proceeding before that court is a discrete matter ancillary to the issues being considered by the appellate court. May v. Sheahan, 226 F.3d 876, 879 (7th Cir. 2000). Because the issues in the instant case are closely related to the issues in the two cases that are currently on appeal to the Seventh Circuit, this Court is without subject matter jurisdiction to consider the Plaintiff's claims.

Ergo, this case is hereby DISMISSED.

ENTER: April 7____, 2004

FOR THE COURT:

(Signature on Clerk Original)

RICHARD MILLS
UNITED STATES DISTRICT JUDGE

